

APPENDIX D

SOLID WASTE REGULATIONS

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CHAPTER 1. REGULATIONS

Section I. Administrative information.

A. *Purpose:* The purpose of the Pueblo of Laguna Solid Waste Management Regulation is to define the rules and regulations for the operation of the solid waste management program for the Pueblo.

B. *Policy:* It shall be the policy of the Pueblo to operate a solid waste management program on the Pueblo so that; (1) the community residents are provided with a quality of services designed to reduce exposure to adverse conditions that could have a negative impact on the physical and environmental health of any individual or the community; (2) the operation, maintenance of the Pueblo services are carried out through an efficient program and in a financially responsible, cost effective and self-sufficient manner.

C. *Jurisdiction:* As a federally recognized Indian Tribe pursuant to the Indian Reorganization Act of June 18, 1934, the Pueblo and its Pueblo Government replaced its 1908 written Constitution was adopted to establish justice, to preserve and protect to Pueblo self-government and our rights including land and water rights, liberties, benefits, traditional practices and customs and protect our common welfare. (Indian Reorganization Act Section 16; Pub. L.73-838; 48 Stat. 894; Constitution of the Pueblo of Laguna, New Mexico Effective June 6, 1984.) The Pueblo Government is authorized to promulgate these regulations through the Governor's Office pursuant to P.O.L.C. Title XI, Chapter 1 Solid Waste Management.

D. *Responsibilities:*

1. The Pueblo Government shall be responsible for authorizing the Environmental and Natural Resource Department (ENRD) to enforce these regulations and the oversight of the operator. The ENRD shall be responsible for overseeing compliance with federal statutes and regulations.
2. The operator shall be responsible for collecting trash and maintaining and operating the solid waste management facilities.
3. The ENRD shall not infringe upon the rights of Pueblo members to practice their traditions and customs.

Section II. Definitions.

Appurtenances is the real and personal property owned by the Pueblo.

Barrel is an illegal metal container used for solid waste storage.

Clean waste also known as "inert engineered fill", means rock or adobe or similar irreducible materials that may form a portion of construction and demolition waste generated through a construction project. The clean waste may include any inert solid that is: (1) likely to retain its physical and chemical structure under expected conditions of beneficial use; (2) not a pollution threat to the environment or a fire hazard; and (3) part of a locally approved end use (i.e., erosion control, roads, building sites, or other improvements). Clean wastes include only inert

wastes such as soil and rock, uncontaminated concrete (i.e., not contaminated by oil spills, but including fiberglass or steel reinforcing rods embedded in the concrete), brick, glass, ceramics or other nonhazardous materials.

The term "clean waste" does not include fills which contain white goods, machinery and equipment, auto parts, tires, auto shredder waste, drilling mud, industrial or wastewater treatment sludge, wood or wood product wastes, or organic, dead animals (and similar waste that can putrefy) or biodegradable wastes. "Clean waste" mixed or commingled with other types of solid waste will be classified as municipal solid waste.

Collection shall mean the process of collecting solid waste for disposal.

Construction and demolition debris means discarded materials generally considered to be not water soluble and nonwater soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, pipe, gypsum, wallboard, and lumber from the construction or destruction of a structure; discarded materials from landscaping including rocks, soil, tree remains and other vegetative matter that normally results from land clearing, landscaping and development operations for a construction project; clean cardboard, paper, plastic, wood and metal scraps from any construction and/or landscape project; nonconstruction and demolition debris wood scraps; less than ten (10) percent by volume of other nonhazardous wastes that are generated at construction or demolition projects, provided such amounts are consistent with best management practices of the industry. Mixing of construction and demolition waste with other types of solid waste will cause it to be classified as other than construction and demolition waste.

Contractor shall mean any individual, firm, contractor or organization who contracts with the Pueblo Government to provide solid waste management services.

Customer means a person, business, agency, or other organization that uses, is entitled to use, or is obligated to pay for the use or receipt of services from the operator.

Garbage shall mean all degradable and nondegradable refuse and solid waste generated through the course of normal living by the residents, businesses and Pueblo organizations in the community.

Hazardous waste means any waste substance, material, smoke, gas, particulate matter, or combination thereof that:

1. Because of its quantity, concentration, or physical, chemical, or infectious characteristics, may either cause or significantly contribute to an increase in mortality or serious irreversible or incapacitating illness, or pose a substantial present or potential hazard to human health, living organisms, or the environment when improperly handled, treated, stored, transported, or disposed of; or
2. Is specifically defined to be hazardous or toxic by the Federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, or the Resource Conservation and Recovery Act (RCRA) of 1976, or Toxic Substance Control Act (TSCA) of 1976 as acts may be amended from time to time, and by any regulations

promulgated there under, including, but not limited to, any substance, material, smoke, gas, particulate matter, or combination thereof containing asbestos, petroleum or its byproducts, or polychlorinated biphenyls (PCBs); or

3. Is hazardous, toxic, ignitable, reactive or corrosive as defined by the RCRA of 1976.

Herbie-Curby is a ninety-gallon trash container.

Infectious waste means:

1. Laboratory wastes, including, but not limited to cultures of etiologic agents, which pose a substantial threat to health due to their volume and virulence.
2. Pathologic specimens, including, but not limited to, human or animal tissues, blood elements, excreta, and secretions that contain etiologic agents, and attendant disposable fomites.
3. Surgical specimens, including, but not limited to, human or animal parts and tissues removed surgically, or an autopsy, which in the opinion of the attending physician or veterinarian, contain etiologic agents and attendant disposable fomites.
4. Human dialysis waste materials, including, but not limited to arterial lines and dialysate membranes.
5. Carcasses of animals infected with etiologic agents that may present a substantial hazard to public health if improperly managed.
6. Equipment, instruments, utensils, or any other material that is likely to transmit etiologic agents.
7. Any other material that is likely to transmit etiologic agents, or presents a significant danger of infection, because it is contaminated with, or may reasonably be expected to be contaminated with, etiologic agents.

Off-Reservation is any area located outside Pueblo Lands.

Open dump means any facility or site on the Pueblo where solid waste has been disposed of, which is not a sanitary landfill authorized under P.O.L.C., title XI, chapter 1 and is not in compliance with federal regulations pertaining to solid waste at 40 C.F.R. Parts 257 and 258.

Operator means any party, either a Pueblo or commercial entity, approved by the Pueblo Government or which is an entity designated by the Pueblo Council to manage solid waste.

Permit is a written license issued under the authority of the Pueblo Government regulating the collection and transportation of solid waste, or regulating the treatment and disposal of solid waste, including the construction and/or operation of a municipal solid waste landfill (MSWLF) on the Pueblo as required under this regulation.

Pueblo community for purposes of this regulation, shall include, but not necessarily be limited to, enrolled Pueblo members.

Pueblo Government for purposes of P.O.L.C., title XI, chapter 1 and its implementing regulations, Pueblo Government shall mean the Pueblo Council and all persons, agencies, and entities specifically authorized by the Pueblo Council to act on its behalf regarding solid waste matters on the Reservation.

Plastic bag is an authorized container for solid waste storage.

Radioactive waste means any garbage, refuse, sludge and other discarded material, including solid, liquid, semisolid, or contained gaseous material that must be managed for its radioactive content.

Recycling is the process by which recyclable materials are collected, separated or processed and reused or returned to use in the form of raw materials or products.

Regulation is a rule of law or procedure duly adopted by the Pueblo Government for purposes of setting up the requirements of P.O.L.C. title XI, chapter 1.

Reservation or Pueblo Lands means all lands subject to the jurisdiction of the Pueblo, including all land held by the United States in trust for Laguna Pueblo and all lands within the exterior boundaries of the Pueblo of Laguna Reservation or Pueblo grant, regardless of whether the lands are owned in fee, held in trust by the United States for the Pueblo, or otherwise held.

Residential yard waste the part of solid waste composed of grass clippings, leaves, twigs, branches and other garden refuse.

Shall, may "shall" is mandatory; "may" is permissive.

Solid waste is any garbage, or refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility and other discarded materials, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial mining, and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. § 1342, or source, special nuclear, or by-product materials as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923).

Technician shall mean an individual hired by, or appointed by, the operator to provide direct day-to-day preventive maintenance and operational service for the solid waste management program.

Transfer station is any facility constructed and managed for temporary storage of solid waste, and may include compacting equipment.

Transportation and disposal means the vehicular removal of solid waste to a licensed sanitary landfill for permanent disposal.

Vendor is any individual firm, contractor or organization who regularly supplies parts, equipment, supplies and services to the operator used in the operation, maintenance and management of solid waste management services at the Pueblo.

Section III. Special provisions.

A. *Open dumping*: No person, firm or corporation shall dump any solid wastes in an open dump within the Reservation.

B. *Open burning*: No person, corporation, or Pueblo department shall burn any solid wastes except in a manner approved by the Pueblo Government. All clean waste such as residential yard waste shall be approved at the discretion of the village Mayordomos. The village Mayordomos may consult with the fire department to determine whether conditions would allow for individual controlled burns.

C. *Burying*: No person, firm or corporation shall bury any solid wastes except in a manner approved by the Pueblo Government.

D. *Asbestos waste*:

1. No person, firm or corporation shall store waste that is asbestos, or asbestos-containing, except in a manner approved by the Pueblo Government.
2. If asbestos waste is found in construction or demolition debris, or in other buildings which are in use, the Pueblo Government must be notified and the owner or operator of the building will be required to clean up the asbestos in accordance with Federal Toxic Substances and Control Act requirements. If asbestos is to be stored on-site during a remediation project, the Pueblo Government will issue a permit to the owner or operator of the building for the remediation and will require appropriate inspection, design and storage and management of the asbestos wastes.

E. *Hazardous waste*: Solid wastes which are hazardous must be separately stored, hauled and disposed of properly in accordance with local, state and federal laws.

F. *Liquid waste*: No person, firm or corporation shall dispose of bulk or nonbulk containerized liquids or containers containing liquids except in a manner approved by the Pueblo Government.

G. *Radioactive waste*: The storage, burial or disposal of any nuclear refuse, by-product, waste or radioactive material or any chemical or other toxic refuse, by-product or material on the Pueblo is absolutely prohibited.

H. *Collection*: No person, corporation or Pueblo department shall operate a solid waste collection system without obtaining a permit from the Pueblo Government

I. *Construction and demolition debris*: Construction and demolition debris will be managed according to the Pueblo "Policy on Salvaging, Reuse and disposal of Construction and Demolition Debris" dated October 2002 (or as revised) and attached as chapter 2 to this appendix.

J. *Infectious wastes*: The following shall apply to infectious wastes:

1. Solid wastes from a clinic must be sorted into normal solid waste and medical and/or infectious waste streams.

2. Normal solid waste will be treated in accordance with provisions contained herein for solid waste.
3. Medical and/or infectious waste shall be disposed of according to the local, state and federal rules.
4. Infectious wastes may not be disposed at the transfer station.

Section IV. Operational standards.

The following operating standards are intended to describe each type of facility that is or may be constructed on the Pueblo, as well as defining standards for activities that either transport, or collect and store, solid waste.

A. *Solid waste collection:*

1. The operator shall be responsible for the collection of solid waste from all residents of the Pueblo, including any commercial, Pueblo or governmental entities. If a commercial, Pueblo or governmental agency chooses to contract with a commercial entity to collect the solid waste, the contract must include the provisions of P.O.L.C. title XI, chapter 1 and the solid waste regulations as applicable requirements. A copy of the contract shall be mailed or delivered to the Pueblo Government.
2. The operator will provide acceptable solid waste containers, which may include ninety-gallon "Herby-Curby", or equivalent containers which include permanently affixed lids. If the customers generate more than ninety-gallons of waste each week, they shall use plastic bags with a tie as extra garbage containers. The customers are responsible for purchasing the plastic bags, if they are necessary.
3. The operator will define a schedule for solid waste pick up, and notify the customers of the schedule. If a schedule change is planned, the customers will be notified thirty (30) days in advance of the schedule change. If it is unplanned, the operator will notify the customers as appropriate.

B. *Transfer station:*

1. Only residential and commercial waste shall be accepted at the transfer station. Wastes such as medical waste, asbestos waste and contaminated soil shall not be accepted at a transfer station unless the transfer station is specifically designed and approved for these wastes.
2. Operations plan: The operator shall develop an operations plan that contains the following:
 - a) Name, address and phone number of the person(s) operating the facility and having the authority to take corrective action in an emergency.
 - b) Facility mailing address.
 - c) Regional map showing service area.

- d) Vicinity map showing access and service roads, residences, water wells and location of all surface water bodies, location of the 100-year flood plan boundaries, and all manmade or natural features relating to the facility within a half-mile radius.
 - e) Site map showing property boundary.
 - f) Site map showing structures, areas designated for unloading, baling, compacting, storage, and loading, including the dimensions and elevations.
 - g) A description of the facility's drainage system and water supply/wastewater systems.
3. Design criteria:
- a) The loading and unloading areas shall be adequate to facilitate the unobstructed movement of vehicles.
 - b) Constructed of concrete or asphalt paving material or crusher fines and equipped with adequate drainage structures or grading.
 - c) Solid waste handling shall be confined to the smallest practical area, and shall be supervised by competent operating personnel.
 - d) Safety measures shall include fencing, signage and/or permanent structures to prevent backing into the pits while unloading.
 - e) The on-site roads shall be designed to accommodate traffic in a safe and efficient manner.
 - f) The road surface design shall be suitable for heavy vehicles and the road base shall be capable of withstanding expected loads.
 - g) The road surface shall be passable in all weather conditions for loading collection and transfer vehicles. If winter ice builds up, the design shall include an appropriate de-icing plan.
 - h) The number, description and uses of all equipment to be used shall be described, including capacity.
 - i) Gates and fencing shall be placed on-site to limit unauthorized persons from access to the facility when the facility is closed.
 - j) Signs shall be posted with the hours of operation, the types of solid waste accepted, any prohibited wastes, and emergency telephone numbers of a responsible party.
4. Operation standards:
- a) Waste characterization: The facility operator shall visually inspect all shipments of solid waste to determine if the waste is allowed at the facility for either disposal or storage prior to recycling. If it is unacceptable waste, the operator shall indicate so to the person or person(s) delivering the materials and refer them to ENRD for help in determining the proper disposition of the materials.

- b) Supervision: When the facility is open, an attendant shall be on duty.
 - c) Personnel: A job description of the operator, technician or attendant who is responsible for the facility during normal operating hours shall be prepared. The operator or attendant shall be trained to recognize unauthorized waste, to operate equipment and to provide acceptable records.
 - d) Nuisance conditions: Reasonable measures shall be used to collect, properly contain, and dispose of associated litter. These measures would include frequent policing of the area, and the use of wind screens, if necessary. The facility shall be operated in such a manner that noise, dust and odors do not constitute a hazard to human health and that the attraction, breeding and emergence of birds, insects, rodents and other vectors do not constitute a health hazard.
 - e) Off-site water: If necessary, measures shall be provided to protect surface and groundwater from contamination due to equipment cleaning and wash down water. If determined necessary by the operator, a drainage system sized to accommodate the 24-hour, 25-year storm event may be included.
 - f) Fire protection: Fire protection equipment shall be available at all times. A plan to prevent the spread of fire shall be prepared and kept at the facility.
5. Operating records:
- a) Records shall be maintained for the transfer facility. The records include a daily log of the approximate quantity of solid waste received (or number of receipts), quantity of waste transported for off-site disposal, the operation plan described above.
 - b) Contingency plans specifying the procedures to be followed to handle the following situations shall be available to the transfer station attendants:
 - (1) Hazardous materials incident, including emergency response contacts.
 - (2) Contamination of surface or groundwater, if the operator indicates that such contamination is possible from the facility.
 - (3) Nuisance conditions on-site; and
 - (4) Alternate solid waste handling system or procedures when the facility is inoperable for any reason.
6. Final disposal: All solid waste passing through the transfer station shall be ultimately treated or disposed of in an approved solid waste site and facility.
7. Closure: A closure plan for the final closure of the transfer station shall include provisions for the removal of all stored solid waste and wash down liquids.
- C. *Municipal solid waste landfill*: (Reserved.)
- D. *Mono-fill landfill*: Operation of the mono-fill landfill will comply with the Pueblo Policy on Salvaging, Reuse and Disposal of Construction and Demolition Debris, as revised September 2006, chapter 2 of this appendix.

Section V. Recycling.

A. The Pueblo Government has determined that recycling is an appropriate activity for the Pueblo to undertake. The Pueblo Government encourages Pueblo members to participate in the recycling program. The following rules apply to the recycling program. The recycling facility shall be operated and managed to minimize the potential for release of contaminants to groundwater and to minimize the creation of dust and odors or other nuisance conditions.

B. The operator is required to have an approved recycling plan consistent with the following guidelines:

1. The following materials are suitable for storage prior to recycling by the operator:
 - a) Corrugated cardboard;
 - b) White goods (appliances);
 - c) Waste oils and waste antifreeze;
 - d) Yard waste;
 - e) Scrap tires;
 - f) Scrap metal;
 - g) Construction and demolition materials; and
 - h) Salvageable material:
 - (1) Rock;
 - (2) Adobe (traditional);
 - (3) Asphalt;
 - (4) Concrete; and
 - (5) Other building materials.
2. The recycling facility shall be operated and managed to minimize the potential for release of contaminants to groundwater and to minimize the creation of dust and odors or other nuisance conditions.
3. The recycling facility shall be adequately fenced or secured.
4. The recycling facility shall collect litter in order to avoid a fire hazard or a nuisance, and control the growth of vegetation to minimize potential fuel sources.
5. For the scrap tire storage, the operator shall write a vector control plan. If the plan includes use of pesticides, they shall be applied in accordance with the Federal Insecticide, Fungicide and Rodenticide Act and New Mexico's Pesticide Control Act (NMSA 1978, §§ 76-4-1 to -39) and its implementing regulations (21.17.50, 51, 53, 56 NMAC).
6. For scrap tire pile storage, the piles should not be larger than fifty (50) feet wide and fifteen (15) feet above grade. A minimum of forty (40) feet shall be maintained between

piles of whole, shredded or baled tires to allow access for fire fighting equipment. A minimum distance of fifty (50) feet of clear area should be maintained from all property lines.

7. Upon closure of the facility, all solid waste and all other materials shall be removed from the facility prior to closure and potential nuisance conditions shall be addressed. All wastes shall be taken to an appropriate solid waste site and facility for proper management or disposal.
8. The operator shall identify appropriate methods for recycling the listed materials and shall ensure that the materials are stored properly prior to recycling.

C. Community recycling.

1. The Pueblo Government has determined that community recycling is an appropriate undertaking. The community can deposit recyclable materials at locations designated by the ENRD.
2. The community can recycle plastic, newspaper, office paper, and tin and aluminum cans.

Section VI. Permits.

Any party handling or managing solid waste for commercial purposes within the Reservation should be approved by the ENRD. The Pueblo Government may issue permits to residents, commercial businesses operating within the Reservation, or government agencies for the purposes of allowing the permit applicant to conduct certain solid waste management activities. In the event the Pueblo Government determines that a permit is necessary for a solid waste activity, a permit application must be submitted with the following information included:

- A. Name, address and telephone number of the applicant;
- B. A description of the type of activity for which a permit is sought;
- C. A description of the methods to be used for controlling nuisance, odor, insects, surface or groundwater contamination;
- D. A schedule for conducting and completing the activity; and
- E. A permit application review fee of one hundred dollars (\$100.00).

The Pueblo Government will review the permit application and either approve or deny it within twenty (20) working days. If the application is approved, the Pueblo Government will provide a written notice to the applicant, along with any conditions of the approval. If the application is denied, the Pueblo Government will provide a written notice of the denial.

Section VII. Inspections.

A. The ENRD or designated entity can inspect the premises of an alleged noncompliant residence, commercial entity or government agency to evaluate compliance with these regulations or to investigate a complaint.

B. The ENRD or designated entity will inspect the transfer station and recycling storage area weekly for the following conditions:

1. Harborage of insects or rodents;
2. Unauthorized wastes;
3. Safety hazards;
4. General maintenance.

C. Independent inspections by the U.S. Environmental Protection Agency (EPA) Region VI or Pueblo programs will be on an as needed basis as deemed necessary by the Pueblo Council on unscheduled basis.

Section VIII. Recordkeeping.

The operator will retain the following records:

- A. For the transfer station, a daily log of the approximate quantity of solid waste received (or number of receipts), quantity of waste transported for off-site disposal.
- B. Inspection reports for the transfer station.
- C. Maintenance records for the compaction equipment.
- D. A copy of the operations plan, including contingency plan for the transfer station.
- E. A job description and any training records for the personnel operating the transfer station.
- F. Inspection reports for any complaints investigated, or compliance evaluations.
- G. Monthly records of the materials recycled including the location and name of the facility where the materials were transported, how much material was transported of each category, and any receipts from the receiver of the materials.
- H. A copy of permit applications and the written approval or denial.

Section IX. Enforcement.

A. The Pueblo Government shall be responsible for enforcing the solid waste regulations.

B. Any person, firm or corporation found to be in violation of any part or section of this regulation shall be issued a warning notice of violation by the ENRD for the first violation.

C. Any person, firm, or corporation found to be in violation of any part or section of this regulation for a second time, shall be prosecuted according to the penalty provisions of P.O.L.C., title XI, chapter 1. The owner or operator who receives a notice of violation may file a grievance through the Pueblo Court and ask for relief from the penalties.

CHAPTER 2. POLICY**POLICY****ON SALVAGING, REUSE AND DISPOSAL
OF CONSTRUCTION AND DEMOLITION DEBRIS**

Revised September 2006

Section 1.0 Introduction.

The Pueblo of Laguna is committed to protecting public health, safety, welfare and the environment of its people and lands. In order to meet these goals it is necessary that the Pueblo promote the reduction of solid waste and reduce the stream of solid waste going to landfills. Debris from the demolition and construction of buildings represents a large portion of the solid waste volume presently being generated on the Pueblo. Much of this debris is particularly suitable for salvaging and a clean portion is reusable for beneficial purposes such as erosion control. Other portions of this debris not suitable for erosion control could be disposed in a specially constructed and permitted construction and demolition (C&D) debris landfill located on the Reservation, thereby reducing the costs for transport of such wastes to off-reservation landfills through the Pueblo's transfer station. For these reasons, the Pueblo is adopting this policy on salvaging, reuse and disposal of construction and demolition debris.

Section 2.0 Purpose.

This policy applies to C&D debris generated during various construction and demolition projects initiated and/or completed within the Reservation.

Section 3.0 Scope.

All Laguna residents, Pueblo programs, village officials and federal agencies located on the Reservation are subject to this policy. All outside contractors hired to complete specific projects on the Reservation are responsible for removal and disposal of all generated C&D waste to an EPA certified landfill after the completion of each project.

Section 4.0 Definitions.

(Based on 40 C.F.R. § 258.2 and Indian Lands Open Dump Cleanup Act of 1994)

For purposes of this policy the following definitions apply:

- A. "*Clean waste*", also known as "inert engineered fill", essentially means rock or adobe or similar irreducible materials that may form a portion of construction and demolition waste generated through a construction project. The clean waste may include any inert solid that is: (1) likely to retain its physical and chemical structure under expected conditions of beneficial use; (2) not a pollution threat to the environment or a fire hazard; and (3) part of a locally approved end use (e.g., erosion control, roads, building sites, or other improvements). Clean waste includes only inert wastes such as soil and

rock, uncontaminated concrete (i.e. not contaminated by oil spills, but including fiberglass or steel reinforcing rods embedded in the concrete), brick, glass, ceramics or other nonhazardous materials. The term "clean waste" does not include fills which contain white goods, machinery and equipment, auto parts, tires, auto shredder waste, drilling mud, industrial or waste water treatment sludge, wood or wood product wastes, or organic, dead animals (and similar waste that can putrefy) or biodegradable wastes. "Clean waste" mixed or commingled with other types of solid waste will be classified as municipal solid waste.

- B. "Contractor" means any person or entity holding a contractor's license of any type under the laws of the State of New Mexico, or who performs (whether as contractor, subcontractor or owner-builder) any construction, demolition, remodeling, or landscaping service relating to buildings or accessory structures in the Pueblo.
- C. "Construction" means all building, landscaping, remodeling, addition, removal or destruction involving the use or disposal of clean waste or designated recyclable and reusable materials as defined in subsections A. and F.
- D. "Construction and demolition debris" means discarded materials generally considered to be not water soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt material, pipe, gypsum, wallboard and lumber from the construction or destruction of a structure. Discarded materials from landscaping including rocks, soils, tree remains, and other vegetative matter that normally results from land clearing, landscaping and development operations for a construction project. Clean cardboard, paper, plastic, wood and metal scraps from any construction and/or landscape project. Nonconstruction and demolition debris wood scraps. Less than ten (10) percent by volume of other nonhazardous wastes that are generated at construction or demolition projects, provided such amounts are consistent with best management practices of the industry. Mixing of construction and demolition waste with other types of solid waste will cause it to be classified as other than construction and demolition waste.
- E. "Mono-fill Landfill" means a landfill designed to accept only a single type of waste, for example, construction and demolition debris. For the purposes of this policy, such a landfill may also be called a mono-fill landfill.
- F. "Designated recyclable and salvageable materials".

Recyclable materials: Include all masonry building materials generally used in construction including, but not limited to, asphalt, concrete, rock, stone and brick. Wood materials including any and all dimensional lumber, fencing or construction wood that is not chemically treated, creosoted, pressure treated, contaminated or painted. Vegetative materials including trees, tree parts, shrubs, stumps, logs, brush or any other type of plants that are cleared from a site for construction or other use. Metals including all metal scrap such as, but not limited to, pipes, siding, window frames, doorframes and fences. Roofing materials including wood shingles as well as asphalt, stone and slate based roofing material.

Salvageable materials: Include all materials and structures including, but not limited to, wallboard, doors, windows, fixtures, toilets, sinks, bath tubs and appliances.

- G. *"Dead animals and other putrefying wastes"* include wastes that are capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances because of odors, gases, attraction of vectors, or other offensive conditions, and include materials such as, but not limited to, food wastes, offal and dead animals.
- H. *"Inert"*, for purposes other than protection of water quality, describes the inherent property of a material by which it is likely to retain its physical and chemical structure under expected conditions of disposal or use.
- I. *"Resource Conservation and Recovery Act (RCRA)"* means the Federal Act passed by the U.S. Congress. In 1965, the Solid Waste Disposal Act was enacted to improve solid waste disposal methods. It was amended in 1970 by the Resource Recovery Act. In 1976 Congress again amended the Solid Waste Disposal Act to create a new program for the management of hazardous waste. The Resource Conservation and Recovery Act (RCRA) established a framework for national programs to achieve environmentally sound management of both hazardous and nonhazardous wastes. RCRA also promotes resource recovery techniques and methods to reduce the generation of hazardous waste. RCRA is designed to:
- * Protect human health and the environment;
 - * Reduce/eliminate the generation of hazardous wastes; and
 - * Conserve energy and natural resources.

The Hazardous and Solid Waste Amendments of 1984 (HSWA) both expanded the scope of RCRA and increased the level of detail in many of its provisions.

- J. *"Rock slide debris"* means the soil or rock or other natural material deposited on roadways, bridge decks or other structures, resulting from the downward movement of a mass of earth or rocks from a mountain, hill, cliff or road cut.
- K. *"Salvage"* means the use, in the same or similar form as it was produced, of a material, which might otherwise be discarded.
- L. *"Solid waste"* means any garbage or refuse, including sludge from a wastewater treatment plant, and other discarded materials, including solid, liquid, semi-solid and contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities.
- M. *"Solid waste landfill"* means a discrete area of land or an excavation that receives different types of solid waste as described in RCRA Subtitle D, and that is not a land application unit, surface impoundment, injection well or waste pile.

Section 5.0 Construction and demolition (C&D) debris categories and components.

C&D debris can generally be divided into five (5) categories. TABLE 1 presents a list of C&D debris components most commonly associated with each category.

TABLE 1: TYPICAL COMPONENTS OF C&D DEBRIS:

Project Category	Typical Components
Construction	Mixed rubble, wood, roofing, wall board, insulation, carpet, pipes, plastic, paper, bricks
Demolition	Mixed rubble, concrete, steel beams, bricks, wood, pipes
Excavation	Earth, sand, stones, wood
Roadwork	Asphalt, concrete, earth
Site Clearance	Trees, brush, earth, concrete, mixed rubble, sand, steel, paper, plastic

Although C&D debris is usually considered a single waste stream, the composition actually varies with each project and depends on many factors such as type, size and geographic location of the structures involved. Materials comprising C&D debris can sometimes be contaminated by undesirable components and/or toxic compounds such as asbestos, lead-based paint, varnish, creosote and adhesives. This can be complicated with demolition debris resulting from a natural or manmade disaster, i.e., hurricanes, tornadoes, floods, fires etc. If possible, prior to demolishing a structure, undesirable components should be removed as they could cause the debris to require handling as a special or hazardous waste.

Handling and disposal of special and hazardous waste are not covered under this policy.

TABLE 2 presents a list of waste types and categories not allowed to be mixed with C&D debris.

For the purpose of this policy, less than ten (10) percent by volume of other nonhazardous wastes that are generated at construction or demolition projects may be mixed up with C&D debris provided such amounts are consistent with the best management practices of the industry.

In suspect cases, for example homes destroyed by fire, the operator will sample and test the debris and other wastes that may have been mixed up. This sampling and testing will be to classify the wastes and determine their safe handling and disposal procedures.

TABLE 2: TYPICAL COMPONENTS OF C&D PROJECTS NOT ALLOWED TO BE MIXED WITH C&D DEBRIS

Category	Examples of Typical Components
Excess materials used in construction and their containers	Adhesives and containers of adhesives, leftover paints and paint containers, excess roofing cement and roofing cement cans
Waste oils, grease and fluids	Machinery lubricants, brake fluid, engine oil
Discrete items	Batteries, fluorescent bulbs, appliances
Inseparable constituents of bulk items	Formaldehyde present in carpet, treated or coated wood

Section 6.0 Policy steps.

FIGURE 1 describes the steps laid out in this policy for the safe handling and disposal of C&D debris. These steps are described in more detail in the subsequent articles of this policy.

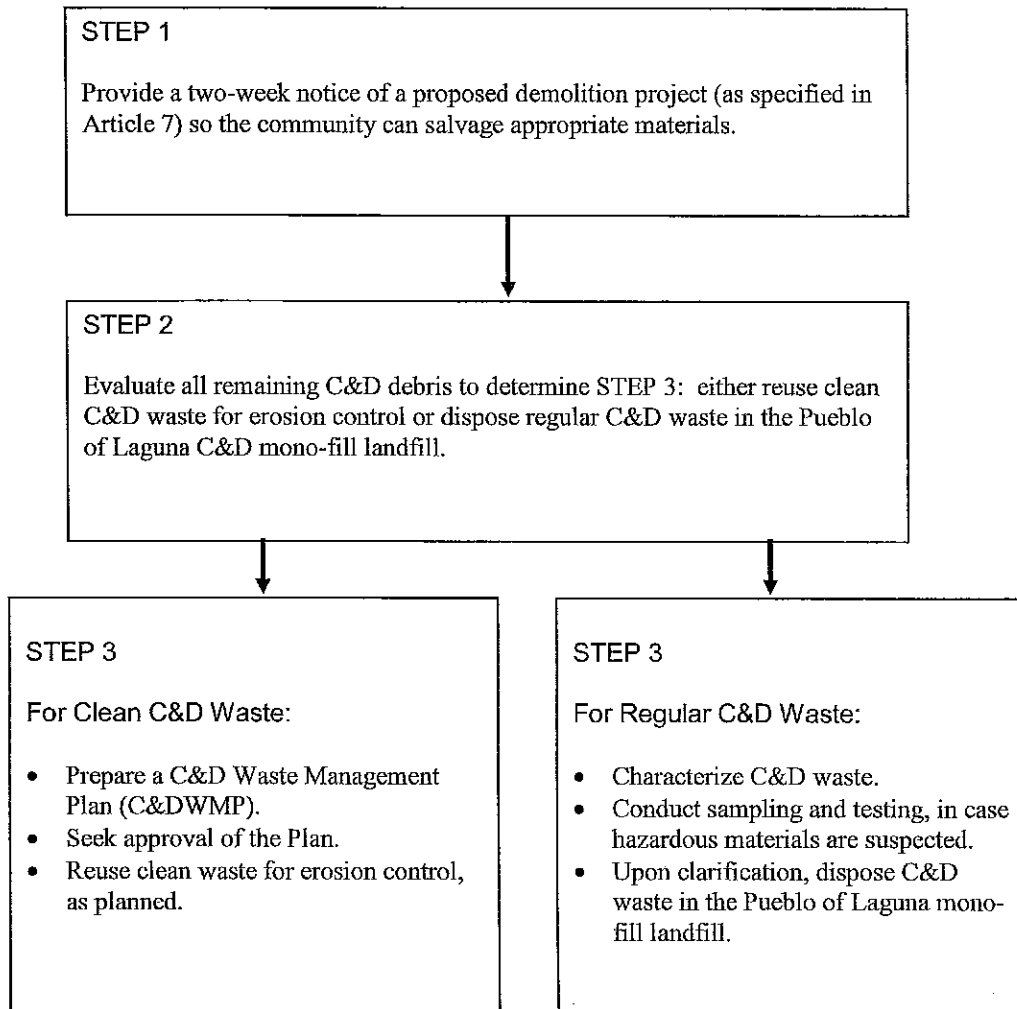


FIGURE 1: Steps to be taken in the safe handling and disposal of C&D debris

Section 7.0 Policy articles.

7.1 *Salvaging of construction and demolition materials.* This policy requires that every structure on the Pueblo planned for demolition shall be made available for deconstruction, salvage and recovery prior to demolition through a minimum of a two-week written notice posted in the Pueblo office building, post offices, village buildings and other appropriate locations, except in the case of an emergency demolition required to protect public health and safety. It shall be the responsibility of the owner, the general contractor and all subcontractors to recover the maximum feasible amount of recyclable and reusable materials prior to demolition. Recovered or salvaged materials may be given or sold on the premises.

7.2 *Reuse of construction and demolition debris.* To minimize the costs of disposal, it is in the best interest of all parties to segregate, using best engineering and management practices, clean wastes from other solid wastes. Such clean wastes, not mixed with other wastes, may be reused as specified in this article.

The reuse of clean C&D debris requires that a C&D Waste Management Plan (C&DWMP) be prepared on an enclosed form and approved by the Governor or his authorized representative for every construction or demolition project sponsored by the Pueblo or any of its governmental sub-units. Private contractors are not expected to get a plan approved unless they intend to reuse some of the clean wastes generated by their project for beneficial purposes on the Pueblo, such as erosion control.

The completed C&DWMP shall indicate all of the following:

- * The estimated volume or weight of project construction and demolition debris, by materials type, to be generated;
- * The maximum volume or weight of such materials that can feasibly be diverted via reuse or recycling;
- * The proposed use of any "clean waste" as a part of a locally approved end use (e.g., roads, building sites, erosion control or other improvements) where fill material is required to facilitate beneficial use of the land in accordance with the Pueblo's ordinances;
- * The estimated volume or weight of construction and demolition materials that will be brought to the Pueblo's mono-fill landfill.

7.3 *Excluded activities.* The following activities are not required to meet the requirements set forth in this article:

- (1) Construction and maintenance of roads and bridges, transportation-related appurtenances, pavement repair or other similar construction and maintenance activities where soil, rock or rock products, asphaltic concrete, and Portland cement concrete pavement are reused or recycled for use on the same or another project, construction sites including associated storage of such materials at borrow and construction sites.

- (2) Engineered fills whose construction is governed by an approved mine reclamation plan or public highway and road construction plan, and which utilize only inert materials.
 - (3) Storage of inert fill materials in total amounts of less than one thousand (1,000) cubic yards in any one (1) location of one (1) acre or less per parcel.
 - (4) Rock debris that block or limit the safe use of public roadways and highways.
- 7.4 *Disposal of construction and demolition debris.* The Pueblo will create a mono-fill landfill for the safe disposal of C&D debris. C&D debris is neither classified as Resource Conservation and Recovery Act (RCRA) hazardous waste, nor RCRA Municipal Solid Waste (MSW). Therefore, C&D landfills are not subject to federal design and operational criteria. The mono-fill landfill created by the Pueblo will comply with all applicable regulations of the Pueblo. In addition, the mono-fill landfill will comply with criteria for site selection and closure as specified in this article.
- 7.5 *Site selection criteria for C&D landfill (mono-fill landfill).* No construction or demolition landfill shall be located in the following areas:
1. In floodplains, within five hundred (500) feet of wetlands, or two hundred (200) feet of a watercourse;
 2. Where depth to seasonal high water table will be closer than fifty (50) feet to the bottom of the fill;
 3. Within historically or archaeologically significant sites as determined by the Pueblo;
 4. Within the distance set by Federal Aviation Administration requirements;
 5. Within one thousand (1,000) feet of a public water supply well or private well that pumps one hundred (100) gallons a minute or more;
 6. Within three hundred fifty (350) feet of a public water supply well or private well that pumps less than one hundred (100) gallons per minute; or
 7. Within areas that will result in the destruction or adverse modification of the critical habitat of endangered or threatened species as identified in 50 CFR Part 17, or in applicable codes and regulations of the Pueblo.
- 7.6 *Closure requirements for C&D landfill (mono-fill landfill).* The C&D landfill will be closed with a landfill cap that will meet the applicable landfill cap requirements of RCRA for small landfills in remote and dry areas. Essentially this will require the placement of an appropriate thickness of a low hydraulic conductivity cover over the landfill and an appropriate erosion control layer on top.

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